

ARTICLE III. DEFINITIONS

Sec. 3.100. GENERAL.

For the purpose of this ordinance, certain terms and words are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural, and the plural shall include the singular; the word "building" shall include the word "structure", and the word "lot" shall include the word "plot"; the word "may" is permissive, and the word "shall" is mandatory, further the word "or" shall mean "either" and the word "and" shall mean "in conjunction with."

Abutting shall mean the condition of two (2) adjoining properties having a common property line or boundary, including cases where two (2) or more lots adjoin only a corner or corners, but not including cases where adjoining lots are separated by a street or alley.

Access or *accessway* shall mean the place, means, or way by which pedestrians and vehicles shall have safe, adequate and usable ingress and egress to a property or use as required by this ordinance.

Accessory building shall mean a building, the use of which is customarily incidental to that of a dominant use of the main building or premises including bona fide household employees' quarters.

Accessory use shall mean a use customarily incidental, related, appropriate and clearly subordinate to the main use of the lot or building, which accessory use does not alter the principal use of the subject lot or building or adversely affect other properties in the district.

Acre shall mean a land area measuring forty-three thousand five hundred sixty (43,560) square feet.

Adjacent shall mean the condition of being near to or close to but not necessarily having a common dividing line, i.e., two (2) properties which are separated only by a street or alley shall be considered as adjacent to one another.

Adult bookstore shall mean any commercial establishment having as a substantial or significant portion of its stock in trade books, magazines, other periodicals, motion pictures, or video cassettes, video disks or other similar means of visual communication which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas".

Adult care home shall mean a residential care institution which provides supervisory care, personal care, or custodial care services to adults who require the assistance of no more than one (1) person to walk or to transfer from a bed, chair, or toilet, but who are able to self-propel a wheelchair, as subject to licensing by the State of Arizona.

Adult live entertainment establishment shall mean any commercial establishment which provides any of the following entertainment or services during any part of two (2) or more consecutive days or during any part of more than one (1) day within any ninety (90) day period:

- A. Any dancing, such as bottomless or topless, striptease, go-go, flash, exotic dancers, or any similar performance where the dancer's clothing does not completely and opaquely cover "specified anatomic areas" as defined herein.
- B. Any modeling, wrestling, sports performance or service or retail activity where the clothing of the participants does not completely and opaquely cover "specified anatomical areas" as defined herein.

Adult novelty store shall mean any commercial establishment having as a substantial or significant portion of its stock in trade instruments, devices or paraphernalia which are designed for use in connection with "specified sexual activities," excluding condoms and other birth control and disease prevention products.

Adult theater shall mean any commercial establishment regularly use for presenting for observation by patrons therein any film or plate negative, film or plate positive, film or tape designed to be projected on a screen for exhibition, or films, glass slides or transparencies, either in negative or positive form, and which is designed for exhibition by projection on a screen, or in any type of viewing booth or any other visual presentation, including supportive audio or other sensory communication media, which projects images by electronic, mechanical, or similar means which may be viewed by patrons alone or in groups of two (2) or more which is distinguished or characterized by an emphasis on matter depicting, describing or relating to "specific sexual activities" or "specified anatomical areas."

After hours establishment includes any business which is open to patrons during the hours of 1:00 a.m. to

6:00 a.m. which is the business premises of a state on-sale retail liquor licensee and where dancing or live entertainment occurs.

Adult uses shall mean adult bookstores, adult novelty stores, adult theaters, or adult live entertainment establishments.

Alley shall mean a public thoroughfare which affords only a secondary means of vehicular access to abutting property and is not intended for general traffic circulation. An alley line shall mean the centerline of an alley right-of-way as determined by the city engineer.

Alternative concealment WCF means a free-standing unoccupied structure that camouflages, integrates, or conceals the presence of wireless communications facility antennas. Some examples include, but are not limited to, art/sculptures and artificial trees, cacti, and rock formations. This does not include antennas concealed in buildings and within flagpoles.

Amendment shall mean a change in the wording, context or substance of this ordinance, an addition or deletion or a change in the district boundaries or classifications upon the district map, which imposes any regulation not heretofore imposed or removed or modifies any such regulation theretofore imposed.

Amusement park shall mean a commercial amusement activity such as a carnival, circus, miniature golf course or similar establishment which does not require an enclosed building.

Analogous use shall mean any use which is comparable to the permitted uses, is similar in one (1) or more important ways to the permitted uses, or resembles the permitted uses in one (1) or more aspects. Analogous uses shall not be any more deleterious, obnoxious or harmful than the uses permitted.

Animal clinic or *animal hospital* shall mean a place where animals or pets are given medical or surgical treatment in emergency cases and are cared for during the time of such treatment. Use as kennel shall be limited to short-time boarding and shall be only incidental to such hospital use and shall be enclosed in a soundproof structure.

Antenna means a device from which radio frequency signals are sent and/or received. Some examples include, but are not limited to, whip antenna, panel antenna and dish antenna.

Archaeological resources means any material remains of past human life or activities which are at least fifty (50) years old and of historic or pre-historic significance. Such materials include, but are not limited to petroglyphs, pictographs, paintings, ornaments, jewelry, textiles, ceremonial objects, armaments, vessels, ships, vehicles, human skeletal remains, rock art, pottery, basketry, bottles, weapons, weapon projectiles, tools, structures or portions of structures, water-control devices, pit houses, rock paintings, rock carvings, intaglios, graves, personal items and clothing, household or business refuse, printed matter, manufactured items, or any piece of any of the foregoing items.

Archaeological site means a concentration of archaeological resources inferred to be locations used for past specific human activities.

Archaeological site, recorded, means an archaeological site in Arizona that has been identified by a qualified archaeologist and has been recorded in a database at the Arizona State Museum and/or the State Historic Preservation Office (SHPO) so that the location is mapped and documentation on the archaeological resources found at the location or collected from the location is available for research use.

Archaeological site, significant, shall mean archaeological resources determined by the Historic Preservation Officer, Historic Preservation Commission, or a Committee of the Commission, to be significant in the City of Scottsdale when one or more of the city's nine (9) criteria for significance are contained in the archaeological resources on a property, or designated HP District by City Council.

Archaeologist, City, shall mean the Qualified Archaeologist appointed by the City Manager, or designee, to administer the sections of the zoning ordinance of the City of Scottsdale relating to archaeological resources.

Archaeologist, qualified, shall mean an individual or firm meeting the Arizona State Museum's standards and professional qualifications.

Art shows shall mean the sale and display of original arts and crafts. Original arts and crafts include one of a kind or limited edition materials.

Automobile dealer, new shall mean a franchised agency selling new motor vehicles and providing services commonly associated with motor vehicle sales. A new automobile dealership may include the sale of used motor vehicles.

Automobile dealer, used shall mean an agency selling used motor vehicles not in conjunction with and on the same site as a new motor vehicle franchise and providing services commonly associated with motor vehicle sales.

Automobile storage facility shall mean a building or lot or portion thereof designed or used exclusively for housing or storing of four (4) or more motor-driven vehicles.

Automotive repair shall mean all aspects of the repair of motor vehicles including, but no limited to, lubrication, tune-up and preventive maintenance.

Balcony shall mean that portion of a building which projects into the required yard and where the floor height of said projection is not less than four (4) feet above grade.

Bar or *cocktail lounge* includes any business that offers alcoholic beverages for sale, is not an accessory use to a hotel, and meets any of the following criteria:

- A. The bar service area is in excess of fifteen (15) percent of the gross floor area.
- B. The kitchen is less than fifteen (15) percent of the gross floor area.
- C. Age verification is requested for admittance.
- D. A cover charge is required for admittance, except for special events as permitted through the city's special event permit process.
- E. Less than forty (40) percent of gross revenues are derived from the sale of prepared food.
- F. The business remains open and liquor sales continue but the full kitchen closes before 9:00 p.m.

Bar service area includes the floor areas under indoor and outdoor bars counter tops and the floor area behind the bars counter tops used for the storage, preparation and serving of food or drinks.

Basement shall mean that portion of a building between floor and ceiling, which is partly below and partly above grade, but so located that the vertical distance from grade to the floor below is less than the vertical distance from grade to ceiling. (See story).

Big box shall mean any single retail space with a building footprint of equal to or greater than seventy-five thousand (75,000) square feet.

Boarding stable. See *commercial stable* .

Boardinghouse or *lodginghouse* shall mean a building where, for definite periods, lodging with or without meals is provided for three (3) or more persons but not exceeding twenty (20) persons.

Bona fide household employee's quarters shall mean an accessory building located on the same premises with the dwelling unit, used solely as the dwelling of persons employed on the same premises as the dwelling unit, such quarters having no kitchen facilities.

Boulder collapse is the natural process of splitting or felling of large boulders (four (4) feet or larger in dimension).

Boulder features are exposed bedrock or bedrock clusters produced by the weathering of granite or other bedrock in place. Boulder features are categorized as 1) single boulder formations and 2) boulder clusters, which meet the following criteria: a single boulder formation is defined as a primarily single, solid rock formation that has at least one (1) dimension of twenty-five (25) feet or more across, and a height at one (1) point above the surrounding terrain of twenty (20) feet or more. Boulder clusters are defined as a collection of boulders and rock outcroppings in which the individual boulders are typically eight (8) feet in diameter or larger and the collective boulders are densely clustered. Boulder clusters shall have a collective width of at least fifty (50) feet and a height at one (1) point above the surrounding terrain of at least twenty-five (25) feet.

Boulder rolling is the natural phenomenon where granite, gneiss, basalt or similar rock fragments, with one (1) dimension of four (4) feet or more, are dislodged from rock outcrops or steep rock slopes and slide or roll downhill.

Building shall mean any structure for the shelter, housing or enclosure of persons, animals, chattels or property of any kind, with the exception of dog houses, play houses and similar structures. Each portion of a building separated by dividing wall or walls without openings may be deemed a separate building for the purpose of issuing building permits.

Building footprint shall mean the building area occupied by a single tenant and associated tenant spaces having common access within the confines of the primary use. The building footprint does not include outdoor activity areas, basements, or floor areas above the first floor level.

Building, height of shall mean the vertical distance measured from a point of reference elevation established twelve (12) inches above the average elevation at the top of the curb of the street or streets adjacent to the property,

or to the top of the crown of the roadway or roadways, if there is no curb, to the highest point of the coping of a flat roof, or to the highest point of a mansard roof or to the highest gable of a pitch or hip roof. In cases where drainage considerations supersede this ordinance, the point of reference elevation would be subject to the approval of the city engineer.

Building mounted antenna shall include any antenna that is located on the roof or attached to the walls of, or integrated into buildings, church steeples, cooling towers, elevator bulkheads, parapets, penthouses, fire towers, tanks, and water towers, or other structures.

Building official shall mean the person, or his designee, authorized to grant permits for construction, alteration, and demolition pursuant to the Construction Code adopted by the City of Scottsdale.

Building site shall mean the area of a building together with associated parking areas and open space required by this ordinance. A building site may encompass more than one (1) lot.

Canister-mount means a cylindrical shaped form concealing wireless communications antennas mounted on a monopole, other type of pole, or tower.

Carnivals (major) shall mean a promotional event intended to attract people to a site where there may or may not be an admission charge, and which may include such activities as rides, entertainment, game booths, food stands, exhibitions, and animal displays.

Carnivals (minor) shall mean a promotional event intended to attract people to a site where there is no admission charge, and which may include up to seven (7) small rides, each a maximum of fifteen (15) feet in height, and such activities as entertainment, game booths, food stands, exhibitions, and animal displays.

Carport shall mean an accessory building or portion of a main building with two (2) or more open sides designated or used for the parking of motor vehicles. Enclosed storage facilities may be provided as part of a carport.

Cellar shall mean that portion of a building between floor and ceiling which is wholly or partly below grade and so located that the vertical distance from grade to the floor below is equal to or greater than the vertical distance from grade to ceiling. (See story).

Certificate of Appropriateness shall mean an official form issued by the city stating that the proposed work on an historic or archaeological resource is compatible with the historic or archaeological character of the property and, therefore: (1) the proposed work may be completed as specified in the certificate; and (2) the city's departments may issue any permits needed to do the work specified in the certificate.

Certificate of No Effect shall mean an official form issued by the city stating that proposed work on an historic or archaeological resource will have no detrimental effect on the historic character of the resource and, therefore, may proceed as specified in the certificate without obtaining further authorization under this ordinance, and authorizing the issuance of any permits for said proposed work.

Certificate of Demolition Approval shall mean an official form issued by the city authorizing removal of all or part of a structure which is located within an Historic Property District or an area under application for Historic Property District designation.

Certificate of Economic Hardship shall mean an official form issued by the city, in connection with a Certificate of Demolition Approval, demonstrating that a reasonable rate of return cannot be obtained for an income producing property or that no beneficial use exists for a non-income producing property.

Charter school shall mean a public school, including pre-school and any grades kindergarten through twelfth grade, established by contract with a district governing board, the state board of education or the state board of charter schools to provide learning that will improve pupil achievement.

Church, synagogue or temple shall mean a permanently located building commonly used for religious worship. Churches, synagogues or temples shall conform to the uniform building code and are subject to development review approval.

City shall mean the City of Scottsdale.

City Council shall mean the City Council of the City of Scottsdale.

Cluster housing shall mean housing which qualifies for section 7.856 [6.1082], "cluster development option", or is perceived as a complex of closely related structures.

Coin-operated laundry and cleaning service shall mean establishments primarily engaged in the operation of coin-operated or similar self-service laundry and dry cleaning equipment for use on the premises.

Co-location means the use of a single mount and/or structure by more than one (1) wireless communications service provider. Some examples include, but are not limited to, a tower, a monopole, a power pole, and a sports/field light pole.

Common open space shall mean any meaningful open space, other than private or frontage open space, intended for use by all occupants of a development. This space may include recreation oriented areas.

Community college shall mean an educational institution authorized by the Arizona State Board of Directors for Community Colleges to offer academic or technical courses and to grant associate academic degrees.

Conditional uses shall mean those uses specified with each zoning district which require approval of a special permit by the City Council. Such permits may be limited by specific conditions, restrictions, terms or time periods, and may be revocable.

Condominium shall mean an estate in real property consisting of an undivided interest in common in a portion of a parcel of real property together with a separate interest in air space in a residential, industrial or commercial building on such real property, such as apartment, office or store.

Construction Code shall mean those codes adopted by the City, including the building code, electrical code, mechanical code, and plumbing code codified in chapter 31 of the Scottsdale Revised Code, which regulate construction in the city and require building permits, electrical permits, plumbing permits and/or other permits to do work regulated by the City of Scottsdale.

Construction envelope is one (1) or more specified areas on a lot or parcel within which all structures, driveways, parking, nonnative landscaping, water surfaces, decks, walks, walls, and improved recreation facilities are located. Underground utilities and perimeter walls may be located outside the construction envelope.

Convalescent home or *nursing home* shall mean any place or institution which makes provisions for bed care, or for chronic or convalescent care for one (1) or more persons exclusive of relatives, who by reason of illness or physical infirmity are unable to properly care for themselves. Alcoholics, drug addicts, persons with mental diseases and persons with communicable diseases, including contagious tuberculosis, shall not be admitted or cared for in these homes licensed under the State of Arizona, as a convalescent and nursing home.

Corporate headquarters office shall mean a complex of buildings whose purpose is to be the administrative center of a business enterprise. Corporate headquarters may include transient residential units only for employees subject to any and all provisions of this ordinance.

Corral shall mean a fence-type structure consisting of vertical posts and horizontal members, and so constructed that seventy-five (75) percent or more of the vertical surface is open. Chain link or other similar types of wire fences are not intended to be included in this definition and shall be classified as a fence or wall.

Curb elevation shall mean the average elevation of a curb adjacent to a development from which the height of a building is determined.

Day care shall mean the care, supervision and guidance of a person or persons who is unaccompanied by a parent, child, guardian or custodian, for periods of less than twenty-four (24) hours per day, in a place other than persons' own home or homes.

Day care, adult shall mean the day care oriented to the care of ambulatory adults over the age of fifty (50) years.

Day care, child shall mean day care oriented to the care of children of up through the age of fourteen (14) years.

Day care center shall mean any facility where the care, supervision and guidance of five (5) or more children, age fourteen (14) years and under unaccompanied by parent, guardian or custodian occurs on a regular basis for periods of care of less than twenty-four (24) hours per day, in a place other than the children's own homes for compensation.

Day care group home shall mean any residential facility where the care, supervision and guidance of at least five (5) but not more than ten (10) children, age twelve (12) years and under, unaccompanied by parent, guardian or custodian occurs on a regular basis for periods of less than twenty-four (24) hours per day, in a place other than the children's own homes for compensation.

Day care home shall mean any facility where the care, supervision and guidance of no more than four (4) children, unaccompanied by parent, guardian or custodian occurs on a regular basis for periods of care of less than twenty-four (24) hours per day, in a place other than the children's own homes for compensation.

Demolish shall mean any act or process which removes a building or other structure or any portion thereof.

Demolition Permit shall mean a permit issued by the building official allowing the permittee to demolish a building or structure.

Density is usually used to describe the number of dwelling units per acre in residential districts, while intensity is usually used to describe floor area ratio of development in nonresidential zoning districts. Where both residential and nonresidential districts are encompassed, the term intensity is generally used.

Density based land uses shall mean those of a residential nature.

Desert open space, meaningful is desert open space that due to its size, function, visibility, accessibility and/or strategic location is a community amenity or resource. Meaningful desert open space is open space the community can access or see. It also is open space that serves to protect a significant ecological area.

Development means the performance of any building or mining operation, the making of any material change in the use or appearance of any structure or land, the division of land into two (2) or more parcels, and the creation or termination of access rights. "Development" includes, but is not limited to, such activities as the construction, reconstruction, or alteration of the size, or material change in the external appearance of a structure or land; commencement of mining excavation, trenching, or grading; demolition of a structure or removal of vegetation; deposit of refuse, solid waste or fill; alteration of a floodplain, or bank of watercourse.

Development Agreement shall mean an agreement made pursuant to A.R.S. § 9-500.05.

Development project is any development resulting from the approval of a building permit, lot split, preliminary or final plat, rezoning application, grading permit, public or private infrastructure improvement, variance requests, development review, master plans, native plant removal, relocation or revegetation, or use permit.

Development site is a specific area within the development project which is proposed for a specified zone, use, or density, and may be developed separately from the balance of the development project by a person other than the master development plan applicant.

District shall mean any zone as shown on the zoning map of the City of Scottsdale for which there are uniform regulations governing the use of buildings and premises or the height and area of buildings.

District map shall mean the official zoning map of the City of Scottsdale, which is a part of the zoning ordinance of the City of Scottsdale.

Dwelling shall mean any building, or portion thereof, which is designed exclusively for residential purposes.

Dwelling, multiple shall mean a building or portion thereof designed for occupancy by three (3) or more families.

Dwelling, single-family shall mean a building designed for occupancy by one (1) family.

Dwelling, two-family shall mean a building designed for occupancy by two (2) families.

Dwelling unit shall mean one (1) or more rooms in a dwelling designed for occupancy by one (1) family for living purposes and having its own cooking and sanitary facilities.

Efficiency apartment shall mean a dwelling unit which has only one (1) combined living and sleeping room, said dwelling unit, however, may also have a separate room containing only kitchen facilities and also a separate room containing only sanitary facilities.

Environmental scientists are professionals with training or experience in areas such as environmental planning, physical geography, environmental geology, ecology, botany, soil sciences, or natural resource administration.

Environmental design concept master plan is a document that includes plans, design methods, guidelines and other similar material that outline the concepts to be used on a development project for open spaces, streetscapes, trails, common and public areas and the protection, conservation, and enhancement of environmentally sensitive features or conditions of a parcel.

Equipment cabinet means an enclosed shed or box at the base of or near a wireless communications antenna mount within which are housed, among other things, batteries, cables, cable trays, and electrical equipment (hereinafter referred to as "equipment").

Exposed/shallow bedrock is bedrock which is exposed or which has irregular patches of soil cover that may vary in depth or location over time. The maximum depth of the soil cover is three (3) feet. Locations containing

exposed/shallow bedrock shall be mapped if they have a minimum horizontal dimension of forty (40) feet or more.

Family shall mean one (1) or more persons occupying a premise[s] and living as a single housekeeping unit as distinguished from a group occupying a boardinghouse, lodginghouse or hotel as herein defined.

Farm shall mean an area of five (5) or more contiguous acres which is used for the production of farm crops such as vegetables, fruit trees, cotton or grain and their storage, as well as raising thereon of farm animals such as poultry or swine on a limited basis. Farms also include dairy produce [products]. Farming does not include the commercial raising of animals, commercial pen feeding (feed lots) or the commercial feeding of garbage or offal to swine or other animals.

Festival shall mean the sale of ethnic specialty, regional and gourmet foods, art and crafts, live musical entertainment, in an outdoor setting.

Fitness studio shall mean a place or building where passive or active exercises and related activities are performed for the purpose of physical fitness, improved circulation or flexibility, and/or weight control. The activities shall be conducted entirely within an enclosed building. Fitness studio may include passive exercise equipment (motorized equipment which does not require physical exertion) but exclude equipment or apparatus used for weight control or muscle building, and shall exclude massage in any form.

Flag lot is a lot that is narrower along the roadway frontage than at the building site and employs a long, narrow driveway and lot line configuration that extends from the roadway to the building site.

Floor area ratio shall mean the ratio of gross building floor area to the net lot area of the building site.

Frontage shall mean all property on one (1) side of a street between two (2) intersecting streets (crossing or terminating) measured along the line of the street, or, if the street is dead end, then all of the property abutting on one (1) side between an intersecting street and the dead end of the street including property fronting on a cul-de-sac.

Frontage open space shall mean all the meaningful open space between the right-of-way line of a dedicated public street and any perimeter structure(s) within the development, except that this space may extend between structures or between a structure and a side property line to a depth of not more than one-half (1/2) the width of the opening.

Garage, private shall mean any accessory building or portion of a main building designed or used for the storage of not more than three (3) motor-driven vehicles, provided that no private garage may be used or rented for the storage of commercial trucks having a capacity in excess of one (1) ton.

Game center shall mean a place or facility where pinball or other similar electronic games are played for amusement only. "Game center" shall not be construed so as to include bingo games nor shall it be construed so as to include gambling devices or any other devices prohibited by law.

Golf course, regulation or par-three shall mean a facility other than a miniature golf course for the playing of golf at which there may be a clubhouse including rest rooms and locker rooms. A golf course may provide additional services customarily furnished such as swimming, outdoor recreation and related retail sales that may include a restaurant and cocktail lounge if approved as a part of the required use permit.

Golf training center shall mean a facility other than a miniature golf course or commercial driving range providing primarily both indoor and outdoor professional instruction in all phases of golf learning skills. Accessory uses may be allowed if approved as part of the required use permit.

Grade (adjacent ground elevation) shall mean the lowest point of elevation of the finished surface of the ground between the exterior wall of a building and a point five (5) feet distant from said wall, or the lowest point of elevation of the finished surface of the ground between the exterior wall of a building and the property line if it is less than five (5) feet distant from said wall. In case walls are parallel to and within five (5) feet of a public sidewalk, alley or other public way, the grade shall be the elevation of the sidewalk, alley or public way.

Grand opening shall mean the introduction, promotion or announcement of a new business, store, shopping center or office, or the announcement or introduction or promotion of an established business changing ownership or location.

Gross floor area is the sum of the gross areas of the several floors of a building or buildings, measured from the exterior faces of exterior walls or from the center lines of walls separating two (2) buildings. Gross floor area shall not include:

- a. Underground parking space.

- b. Uncovered steps.
- c. Exterior balconies.

Gross lot area shall mean the area of a lot including one-half of all dedicated streets and alleys abutting the property.

Guest house shall mean an attached or detached accessory building used to house guests of the occupants of the principal building, and which is never rented or offered for rent.

Guest house with cooking facilities shall mean an attached or detached accessory building equipped to operate major appliances requiring two hundred twenty (220) volts electric for the purposes of housing guests of the occupants of the principal building, and which is never rented or offered for rent.

Guest ranch shall mean a use incorporating two (2) or more guest rooms, other than a boardinghouse, hotel or motel, and including outdoor recreational facilities such as but not limited to horseback riding, swimming, tennis courts, shuffleboard courts, barbecue and picnic facilities, and dining facilities intended primarily for use by the guests of the guest ranch. Bars and restaurants which cater primarily to those other than guests of the guest ranch are not permitted.

Haunted house shall mean temporary structures which house booths, displays, live performances relating to halloween themes.

Health studio or health spa shall mean a place or building where active exercise and related activities are performed utilizing weight control or muscle building equipment or apparatus for the purpose of physical fitness. "Health studio or spa" shall also mean a place or building which provide massage, exercise, and related activities with or without such equipment or apparatus. Massage shall exclude massage by one (1) person to another of the opposite gender, and shall comply with all provisions of all applicable ordinances of the City of Scottsdale. The activities shall be conducted primarily within an enclosed building.

High-rise building shall mean a building which exceeds thirty-six (36) feet in height as defined herein.

Hillside landforms are the more elevated, deeper and rugged landforms which tend to divide broad desert valleys or separate the lower deserts from higher plateau regions, to the north and east. These landforms include mountains, hills, buttes, or escarpments predominantly composed of bedrock materials. Typical bedrock materials include volcanics such as basalt and tuff; intrusives such as granite; and metamorphics such as diorites, quartzites, and schists. Locally slopes may be covered by colluvium comprised of upslope bedrock materials or by thin veneers of in-situ soils. Land slopes are usually above fifteen (15) percent and in most cases are over thirty-five (35) percent, but may be as little as five (5) percent in isolated pockets, typically atop ledges or near ridge tops. Drainageways are relatively poorly defined on the slopes but collect into deep canyon bottom courses strewn with large-sized rubble. Hazards which may be present include boulder rolling, rock falls, debris movement and general slope instability. The surface movement of materials occurs as a result of both gravity and water transport. The surface material size includes larger boulders, rocks and gravel as well as grainy soil materials.

HP or Historic Property District shall mean an historic resource subject to HP (Historic Property) zoning overlay zoning.

Historic designation report shall mean the written and visual information compiled to demonstrate how and why a Scottsdale resource may be eligible to be placed on the Scottsdale Historic Register and zoned HP District.

Historic Preservation Commission shall mean the Historic Preservation Commission appointed by the Scottsdale City Council for the City of Scottsdale.

Historic Preservation Officer shall mean the person appointed by the City Manager to administer the Historic Preservation Program and maintain the Scottsdale Historic Register.

Historic Preservation Plan shall mean a plan for the preservation of historic resources and landmarks on the Scottsdale Historic Register.

Home exhibition shall mean a one-time display of homes including furnishing and accessories in an unoccupied subdivision. The exhibition may include live entertainment, food sales, street closures, and other activities.

Home occupation shall mean any occupation or profession carried on by a member of a family, residing on the premises, and which is clearly incidental to the use of the structure for dwelling purposes and which does not change the exterior character of the premises in any way. There shall be no commodity sold upon the premises, nor shall such use generate pedestrian or vehicular traffic beyond that normal to the district in which it is located, and further there

shall be no signs, buildings or structures other than those permitted in the district.

A carport or garage may not be used for home occupations. There shall be no use of material or mechanical equipment not recognized as being part of normal household or hobby use. Home occupation shall include the use of premises by a physician, surgeon, dentist, lawyer, clergyman, or other professional persons for consultation or emergency treatment, but not for the general practice of his profession.

Hospital shall mean a facility for the general and emergency treatment of human ailments, with bed care and shall include sanitarium and clinic but shall not include convalescent or nursing home.

Hotel shall mean a building in which lodging is provided and offered to the public for compensation and which is open to transient guests.

Improved open spaces are "constructed" landscaped areas, turf areas, parks, golf courses and other recreational facilities excluding any associated buildings.

Institution shall mean a building or buildings occupied by a nonprofit corporation or a nonprofit establishment for public use.

Intensity is usually used to describe floor area ratio of development in nonresidential zoning districts, while density describes number of dwelling units per acre in residential districts. Where both residential and nonresidential districts are encompassed, the term intensity is generally used.

Irrigation system shall mean an underground watering system which consists of heads, valves, pipes, etc., used for the sole purpose of sustaining and promoting plant life.

Kennel shall mean any premises where six (6) or more dogs or cats are bred, boarded and/or trained.

Kitchen includes only those areas used for the preparation and cooking of food and dishwashing including all areas accessory thereto, and not including walk-in refrigerators or cold storage rooms or rooms for the storage of food or beverages.

Land slope is the ratio of the vertical rise in the land elevation over the horizontal dimension of the rise. For the purposes of the zoning ordinance the maximum horizontal dimension that shall be used to measure slope is one hundred (100) feet for all other areas. The allowed techniques for measuring slopes include the "slide-chord" method, computerized methods, or other methods approved by project review staff.

Landscape materials. Any materials used for the purpose of landscape improvement which may include, but shall not be limited to, the following: trees, shrubs, groundcovers, turf, vines, walkways, berms, and stone groundcover materials.

Landscape plan. A graphic representation of the development site indicating the location of all existing and proposed landscape improvements to be present on the site at the completion of the construction of the project. Such landscaping plan shall consist of preliminary and final plans as set forth herein.

Landscaped area shall mean an area which has been improved through the harmonious combination and introduction of trees, shrubs, and ground cover, and which may contain natural topping material such as boulders, rock, stone, granite or other approved material. The area shall be void of any asphaltic or concrete pavement except where walks are allowed.

Landscaping. An exterior improvement of property in accordance with an approved landscape plan and utilizing approved landscape materials.

Light reflective value (LRV). A measurement of the amount of light reflected by a paint color.

Live entertainment shall mean a use which includes but is not limited to disc jockey, live bands, comedians, theater for the performing arts and other forms of entertainment which include live performances at a commercial establishment, provided that the following shall not be considered live entertainment for purposes of this ordinance: (1) adult use live entertainment establishments which are subject to the requirements of section 1.403.A of this ordinance; (2) performances by one (1) or two (2) performers with no voice or instrument amplification; (3) incidental modeling of clothing and/or singing by employees of the establishment, for which no additional floor area is required.

Loading space shall mean a permanently maintained space on the same lot as the main building accessible to a street or alley.

Lot shall mean a legally created parcel of land occupied or intended for occupancy by one (1) main building together with its accessory buildings, and uses customarily incident to it, including the open spaces required by this ordinance and having its principal frontage upon a street as defined in this ordinance.

Lot area shall mean the same as *net lot area* .

Lot, corner shall mean a lot adjoining two (2) or more streets at their intersections.

Lot coverage shall mean the area of land which is covered by a building on a particular site. Lot coverage shall be the percentage of net lot area which is covered by the gross floor area of the first floor.

Lot, depth of shall mean the horizontal distance between the front and rear lot lines.

Lot, double frontage shall mean a lot having a frontage on two (2) nonintersecting streets, as distinguished from a corner lot.

Lot, interior shall mean a lot other than a corner lot or key lot.

Lot, key shall mean a lot adjacent to a corner lot having its side lot line in common with the rear lot line of the corner lot and facing on the street which forms the side boundary of the corner lot.

Lot lines shall mean the lines bounding a lot.

Lot of record shall mean a lot which is a part of a subdivision, the plat of which has been recorded in the office of the clerk of Maricopa County Recorder's Office; or parcel of land, the deed of which is recorded in the office of the county recorder.

Lot width shall mean, in the case of irregularly shaped lots, lots having side lot lines not parallel, or lots on the curve of a street, the distance between side lot lines measured thirty (30) feet behind the required minimum front setback line parallel to the street or street chord.

Lower desert landforms are the lower plains and expanses which typically occupy the broad lowlands and floodplains between isolated desert mountains. These landforms generally include basin floors and active alluvial fans. Generally, the depth to bedrock is deep to very deep (one hundred (100) feet to over two thousand (2,000) feet) and the texture of the alluvium is fine to medium grained. Caliche may be present but typically occurs in discontinuous lenses and is not strongly indurated. The land is low to moderately sloping and typically there is very little break, either by channels or ridges, in the planer character of the terrain. The typical land slopes are overwhelmingly less than five (5) percent, although in rare localized situations, slopes may reach fifteen (15) percent. Drainageways often are poorly defined, with the low side banks, and stream courses show substantial evidence of continuous braiding and overflows into widespread sheet flows. Hazards predominately relate to overbank and sheet flooding, but may in some areas, include the potential for earthcracks. Most material transport is by water flows although wind transport may become significant if the soil surface is disturbed. Materials are almost exclusively fine silts and loams with only very limited pockets of gravels and stones.

Manufactured home shall mean a dwelling that has been certified as a manufactured home by the applicable State of Arizona or United States government agency.

Manufactured home park shall mean any lot, tract, or parcel of land used or offered for use in whole or in part with or without charge for parking of manufactured homes or trailer coach used for sleeping or household purposes.

Manufactured home space shall mean a plot of ground within a manufactured home park designed for the accommodation of one (1) manufactured home or trailer coach.

Manufacturing shall mean the fabricating or assembling of materials into finished or partially finished products by hand or by the use of machinery.

Mature trees shall mean healthy, full-bodied trees with a shape characteristic of the species and of the following minimum sizes:

Ten (10) feet--Twelve (12) feet height times six (6) inches--eight (8) inches wide or two-inch single trunk caliper or one-inch average trunk caliper for a multiple trunk tree or eight-foot trunk height for palms.

For each building story over one (1) all required mature trees shall be increased in size as follows:

One-half inch caliper increase for multiple trunk trees and one (1) inch caliper increase for single trunk trees, except that palms shall be increased by four (4) feet in height; or in lieu of increasing all required mature trees, provide additional trees at the rate of one-foot trees per dwelling unit or story above the ground floor, of which fifty (50) percent shall be "mature" as defined in this article.

Minimal residential health care facility shall mean a facility which provides services such as central dining, transportation and limited medical assistance.

Minor work shall mean any change, modification, restoration, rehabilitation, or renovation of the features of an historic resource that does not materially change the historic characteristics of the property and is consistent with the Historic Preservation Plan for the historic resource.

Mitigation Plan means a plan for the recovery or protection of discovered archaeological resources.

Monopole means a facility used exclusively for wireless communications antenna mounts and is self-supporting with a single shaft of steel, concrete or wood. Monopoles with a flag (antennas concealed within flagpoles) are found in Section 7.200 H.

Motel shall mean any building or group of buildings containing guest rooms or dwelling units, some or all of which have a separate entrance leading directly from the outside of the building with garage or parking space located on the lot and designed, used or intended wholly or in part for the accommodation of automobile transients. Motel includes motor court, motor lodge and tourist court, but not a manufactured home park.

Mount means the ground or the structure to which a wireless communications facility is attached.

Move shall mean any relocation of a building or structure on its site or to another site.

Municipal use shall mean any use provided to the general public which is operated by or contracted for by the city. Municipal use shall not include any vehicle, bicycle, equestrian, or pedestrian right-of-way dedications or easements or scenic dedications or easements, single purpose flood control corridors, or utilities which are located underground.

Munsell book of color is a system that describes color in terms of three (3) standardized attributes: hue, value (lightness/darkness) and chroma (intensity). Numerical values define each color attribute, and the colors are arranged in the book in equal visual steps for each attribute.

Natural area open space are areas of undisturbed natural desert with no man-made improvements and approved revegetated areas.

Natural landmarks are those prominent, unique terrain features which due to their character and location are considered landmarks for the city or for a local region within the city. Such "landmarks" may or may not be named features. These features shall be indicated on maps of record at the city and shall be designated by the city council. Historical and archaeological sites shall also be considered as landmarks.

Net floor area shall mean, for the purpose of determining parking requirements, the total floor area of a building measured from the interior faces of load bearing walls, excluding air shafts, stair wells, elevator shafts, rest rooms and mechanical equipment rooms.

Net lot area shall mean the area included within lot lines after all right-of-way dedications have been made as required by the City of Scottsdale right-of-way standards.

Nonconforming building shall mean a building or portion thereof which was lawful when established but which does not conform to a subsequently established district or district regulations.

Nonconforming lot shall mean a parcel of land having less area, frontage or dimensions than required in the district in which it is located.

Nonconforming use shall mean any building or land lawfully occupied by a use at the time of passage of this ordinance or amendment thereto which does not conform after passage of this ordinance or amendment thereto with the use regulations of the district in which located.

Nondensity based land uses shall mean those of nonresidential nature.

Open space is defined as space which can be enjoyed by people. This could include landscaped plazas, grass and trees, fountains, sitting areas, etc., and is meant to provide an open garden atmosphere. Open space does not include parking areas, vacant or undeveloped lots or any other space which does not contribute to the quality of the environment.

Owner shall mean those individuals, partnerships, corporations, or public agencies holding fee simple title to property, as shown on the records of the Property Records Section of the Maricopa County Assessor's Office.

Parcel is a legally defined lot, or contiguous group of lots in single ownership or under single control, and considered a unit for purposes of development and open space calculation.

Parking lot shall mean a parcel of land devoted to parking spaces as set forth by the parking standards of the City of Scottsdale.

Parking lot, commercial shall mean any lot upon which members of the general public operating a motor vehicle upon said lot and parking thereon may be required to pay a charge or fee for said usage to the owner of the lot or his agent.

Parking space shall mean a permanently surfaced area, enclosed or unenclosed, having an area of not less than one hundred eighty (180) square feet which will accommodate a car, minimum width nine (9) feet. Parking as used in this ordinance is to mean off-street parking with access from streets or secondary means or as approved by subdivision plat.

Patio home shall mean an attached or detached single-family dwelling constructed with no side yard on one (1) side of the lot.

Peak means a point of maximum elevation of a hill or mountain.

Perimeter wall shall mean a wall that surrounds a subdivision or a group of related districts and/or subdivisions.

Permitted use shall mean a use specifically permitted on a use analogous to those specifically permitted.

Planning Commission shall mean the Planning Commission of the City of Scottsdale.

Preservation Easement shall mean a nonpossessory interest in real property, granted to the City pursuant to Arizona Revised Statutes Title 33, Chapter 2, Article 4, Conservation Easements, which imposes limitations or affirmative obligations on the property to preserve the historical, architectural, archaeological, or cultural aspects of the real property.

Private open space shall mean any visually delineated usable area intended for the exclusive use of the occupant(s) of the dwelling unit to which it is adjacent.

Private school shall mean a nonpublic institution where instruction is imparted, including pre-schools and any grades kindergarten through twelfth grade.

Prohibited use shall mean a use not specifically permitted or a use analogous to those not specifically permitted.

Project review director shall mean the project review director or his designee.

Protected peak is a peak identified by the city as being visually significant and consequently important to the city's image and economy. Protected peaks are designated on maps by the city.

Protected ridge is a ridge identified by the city as being visually significant and important to the city's image and economy. Protected ridges are designated on maps by the city.

Public floor area shall mean for the purpose of determining parking requirements, all areas of a building that are used by the public excluding public rest rooms.

Pumpkin and Christmas tree sales shall mean outdoor sale of seasonal material such as pumpkins and Christmas trees.

Ranch shall mean a lot which is used primarily for the breeding of horses; raising of livestock; individual training or training of small groups of eight (8) or fewer students; practice polo courses and arenas not used for scheduled, public, or club events; boarding only of horses, mules or ponies directly involved with current breeding or training activities; and ancillary sales and previews of livestock and occasional weekend seminars and clinics. Permanent housing for ranch employees shall be permitted as an accessory use to the ranch. No feed lot shall be permitted. A ranch shall meet the provisions of the applicable zoning district and the conditions of Section 1.403.

Replacement/Reuse Plan shall mean a plan for redevelopment of a site within an HP District.

Resort shall mean a group or groups of buildings containing more than five (5) dwelling units and/or guest rooms and providing outdoor recreational activities which may include golf, horseback riding, swimming, shuffleboard, tennis and similar activities. A resort may furnish services customarily furnished by a hotel, including a restaurant, cocktail lounge and convention facilities.

Restaurant shall mean an establishment whose primary business is the serving of food to the public, where revenues from the sale of food equal at least forty (40) percent of the gross revenue.

Restaurant, drive-in shall mean an establishment whose primary business is the serving of food to the public for consumption on the premises by order from and service to vehicular passengers outside the structure, where revenues from the sale of food equal at least forty (40) percent of the gross revenue.

Restaurant, drive-through shall mean an establishment whose primary business is the serving of food to the public for consumption within the building or off the premises by order from vehicular passengers outside the structure, including but not limited to services from an outdoor service window, where revenues from the sale of food equal at least forty (40) percent of the gross revenue.

Retail shall mean a sale for any purpose other than for resale in the form of tangible personal property.

Revegetation means replacement and restoration of areas containing scarred or destroyed native vegetation through the introduction of boxed or planted native plant materials and/or comparable seed mix for the purpose of restoring NAOS (Natural Area Open Space) land, to a native condition.

Ridge means a relatively narrow elevation which is prominent because of the steep angle at which it rises; an elongated crest, or series of crests, with or without individual peaks, significantly higher than the adjoining ground.

Rockfalls are events where metamorphic, schist, or other paty rocks drop, slide, or roll downhill from a rock outcrop or steep slope. Areas at risk from rockfalls are below the sources of these falls.

Rooming house. See *boardinghouse* .

Sales, incidental shall mean any sales which may occur as a result of or in connection with uses permitted on a property.

Editor's note: Ordinance No. 1876 adopted January 21, 1986, adopted zoning ordinance amendments contained in Exhibit A thereto. Exhibit A consisted of a "draft page", and the sections amended were apparently reproduced in their entirety. The definition of "sales incidental" was on the "draft page", but was not in section 3.100 as amended.

Satellite receiving earth station shall mean a parabolic antenna designed to receive electromagnetic transmissions from a satellite.

Scenic corridor is a major roadway in the city which has been so designated on the General Plan in order to minimize the visual intrusion of adjacent development and maximize the unique character of different areas of the city.

School shall mean any building or part thereof which is designed, constructed or used for education or instruction in any branch of knowledge.

School, elementary and secondary shall mean a public or private school providing primary and secondary education for grades kindergarten through twelve, such as elementary, middle, junior high and high schools.

School, instructional shall mean a public or private school providing domestic, recreational and other types of instruction, such as dance, gymnastics, cooking, music, martial arts and handicraft.

School, vocation shall mean a school primarily teaching useable skills that prepare students for jobs in a trade or occupation.

Scottsdale Historic Register shall mean the list, compiled and kept by the Historic Preservation Officer, of historic and archaeological resources in the City of Scottsdale which are designated HP District.

Seasonal art festival shall mean a temporary or permanent facility which is primarily operated for the sale and display of arts and crafts. Ancillary uses may include food sales, special events, and support offices. The festival shall display the art or craftwork of at least ten (10) independent persons or companies. The festival shall operate for a period over not less than thirty (30) consecutive days nor over more than ninety (90) consecutive days with the facility being open at least four (4) days each week. No two (2) festivals may occupy the same site within forty-five (45) days of each other.

Service station, automotive shall mean a retail business engaged primarily in the sale of motor fuels but also in supplying goods and services generally required in the operation and maintenance of automotive vehicles. These may include sale of petroleum products; sale and servicing of tires, batteries, automotive accessories and replacement items; washing and lubrication services; automotive maintenance and repair; and the supplying of other incidental customer services and products. Major automotive repairs, painting and body and fender work, rental or sales of motor-bikes, automobiles, boats, trailers, trucks and any other type of sales or services not specifically referred to herein are limited to the service area of the site and if not specifically approved as part of the original use permit, a use permit must be approved prior to the area being used for any of these purposes.

Severely constrained area (SCA) is any land within the hillside landform which contains land slopes over twenty-five (25) percent, unstable slopes, or special features, including any land which is surrounded by one (1) of these conditions.

Shopping center shall mean a group of stores planned and designed for the site on which it is built, functioning as a unit, with off-street parking, landscaped areas and pedestrian malls or plazas provided on the property as an integral part of the unit.

Sidewalk sales shall mean outdoor sale conducted by the proprietor of products normally sold inside a retail establishment.

Sight line representation means a drawing in which a sight line is drawn from the closest facade of each building, private road or right-of-way (viewpoint) within five hundred (500) feet of the wireless communications facility to the highest point (visible point) of the wireless communications facility. Each sight line shall be depicted in profile, drawn at one (1) inch equals forty (40) feet unless otherwise specified by the city. The profiles shall show all intervening trees and structures.

Sign shall mean:

- a. Any device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public, but not including any flag, badge or insignia of any local, state or United States governmental agency, or of any civic, charitable, religious, patriotic, fraternal or similar organization.
- b. The term "sign" shall mean and include any display of any letter, numeral, figure, emblem, picture, outline, character, spectacle, delineation, announcement or anything in part or in combination by any means whereby the same are made visible to the eye and for the purpose of attracting attention outdoors to make anything known, whether such display be made on, attached to or as a part of a structure erected for the purpose, or on, attached to or as a part of any other structure, surface or thing, including but not limited to, the ground or any rock, tree or other natural object, which display is visible beyond the boundaries of the lot or parcel of property on or over which the same is made.

Slope collapse includes those soil slopes which, due to their steepness and internal structures, are prone to land or mud slides or similar mass wasting events.

Snug-mount means an antenna mounted no more than eight (8) inches from the edge/face of the pole, tower, or structure to which it is mounted.

Special auto sales shall mean seasonal or special auto sales which may or may not be conducted on site.

Special event shall mean a temporary outdoor use on private property which extends beyond the normal uses and standards allowed by the zoning ordinance of the City of Scottsdale. Except as otherwise specifically provided herein, only those events held on commercial-zoned property, are subject to the provisions of this ordinance.

"*Special event*" includes, but is not limited to, art shows, sidewalk sales, pumpkin and Christmas tree sales, haunted houses, carnivals (major and minor), special auto sales, grand openings, festivals, home exhibitions, and church bazaars.

Special flood hazard areas as defined by section 37-17 of chapter 37 of the Scottsdale Revised Code (floodways and floodplains) are areas having flood and/or flood-related erosion hazards as shown on a flood hazard boundary map or flood insurance rate map as zone A, AO, A1--30, AE, A99, AH or E, and those areas identified as such by the floodplain administrator, delineated in accordance with section 37-18(b) and adopted by the floodplain board.

Specialized residential health care facility shall mean a convalescent or nursing home which normally provides medical care and supervision.

Specified anatomical areas shall mean less than completely and opaquely covered human genitals, pubic region, buttock and female breast below a point immediately above the top of the areola; and human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified sexual activities shall mean human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse or sodomy; fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

Springs shall include areas where permanent or ephemeral flows or ponding of water naturally occur. Such sites may include mountainous or canyon conditions where water flows or seeps out from water-bearing geologic structures or tanks and rock-bottomed washes where water typically collects for extended periods of time.

Stable, commercial shall mean a lot which may be used for commercial riding stable open to the general public; boarding of livestock not involved with current breeding or training; training involving large groups of eight (8) or

more students; polo fields or arenas used for scheduled, public or club events; and those uses permitted in a ranch. No feed lot shall be permitted. A commercial stable shall meet the provisions of the applicable zoning district and the conditions of Section 1.403.

Stable, private shall mean a detached accessory building for the keeping of horses, mules or ponies owned by the occupants of the premises and not kept for remuneration, hire or sale.

Story shall mean that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement, cellar or unused underfloor space is more than six (6) feet above the grade as defined herein for more than fifty (50) percent of the total perimeter or is more than twelve (12) feet above grade as defined herein at any point, such basement, cellar or unused underfloor space shall be considered as a story.

Street shall mean a dedicated public or private passageway which affords a principal means of access to abutting property.

Street, centerline shall mean the centerline of a street right-of-way as determined by the city engineer.

Street line shall mean a dividing line between a lot, tract or parcel of land and a contiguous street (right-of-way).

Structural alterations shall mean any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any complete rebuilding of the roof.

Structure shall mean any piece of work constructed or erected, the use of which requires a location on the ground or attached to something having a location on the ground, but not including a tent, vehicle, trailer coach or mobile home.

Structure, temporary shall mean any piece of work which is readily movable and used or intended to be used for a period not to exceed ninety (90) consecutive days. Such structure shall be subject to all applicable property development standards for the district in which it is located.

Swimming pool, private is any structure intended for swimming or recreational bathing that contains water over twenty-four (24) inches deep. This includes in-ground, above-ground and on-ground swimming pools, hot tubs and spas.

Swimming pool, public shall mean the same definition as private pool but operated as a commercial business. Public swimming pools shall conform to Maricopa County Health Department requirements.

Talus slopes are areas covered by loose piles of rocks and/or boulders and are typically void of surface soils and vegetation if they are active.

Teen dance center shall mean an enclosed or unenclosed structure which is open to persons from fifteen (15) through twenty (20) years of age unaccompanied by adults at which music is furnished for the purpose of social dancing, and at which a person fifteen (15) through twenty (20) years of age pays an admission, membership dues, or a minimum fee or cover charge, whether or not admission is limited to members only. "Teen dance center" shall include the enclosed or unenclosed structure and the surrounding premises used for parking or any activity related to the dancing operation.

Tennis club shall mean a commercial facility for the playing of tennis at which there is a clubhouse including rest rooms. A tennis facility may provide additional services customarily furnished by a club such as swimming, outdoor recreation and related retail sales, that may include a restaurant and cocktail lounge if approved as a part of the required use permit.

Timeshare project means a project in which a purchaser receives the right in perpetuity, for life or for a term of years to the recurrent, exclusive use or occupancy of a lot, parcel, unit or segment of real property, annually or on some other periodic basis, for a period of time that has been or will be allotted from the use or occupancy periods into which the project has been divided, or a project in which a license or contractual or membership right of occupancy is not coupled with an estate in the real property; except that a project in which such right to exclusive use or occupancy is available only for intervals of more than thirty (30) days shall not be considered a timeshare project.

Tower means a facility used for wireless communications antenna mounts and consists of more than a single structural support. No guy wires shall be permitted.

Townhouse shall mean a single-family dwelling with party walls and no side yards between abutting dwellings.

Underlying zoning is the zoning district which exists on the property over which an overlay district has been applied. The existing zoning is found on the city's official zoning maps.

University or *college* shall mean an educational institution offering academic courses and awarding baccalaureate or higher degrees.

Unoccupied recreational vehicle storage is a facility for the storage of recreational vehicles. A recreational vehicle is a general term for a vehicle bearing current license and/or registration which includes the following: camper trailer, travel trailer, truck camper, motor home, boat trailer, horse trailer, utility trailer, and recreational boat. The storage facility shall not include any occupancy of the vehicles. An apartment/office shall be permitted within the facility to allow on-premise supervision.

Upper desert landforms are typically the irregular terrain at the base of or surrounding mountain ridges or isolated mountain outcrops. These landforms include pediments, piedmonts, abandoned alluvial fan segments, alluvial-colluvial slopes, uplifted and dissected inactive alluvial shops, and ridge/valley complexes. Underlying materials include shallow (ten (10) to one hundred (100) feet) depths to bedrock, medium to strongly calichified alluvium, and fanglomerate. Locally there may be small hillocks, rock outcrops, boulder formations and fields, or bedrock balds which occur in isolated or grouped patterns. Land slopes range from two (2) percent to thirty-five (35) percent but are predominately in the five (5) percent to twenty (20) percent range. Drainageways are typically well incised with stream capacities greater than historic flow levels. Occasionally there may be old floodplain terraces benched between the wash bottom and distinct wash banks or there may be minor stream braiding which lasts for short distances and then reforms into a single main channel. Hazards are generally limited to flooding in channel bottoms and occasional bank collapse along sharply incised wash banks. The transport of material is dominated by water transport concentrated in drainage courses and the surface material size typically ranges from coarse silts to medium-sized cobbles.

Use shall mean the purpose for which land or building is occupied, or maintained, arranged, designed or intended.

Use permit shall mean a permit granted to a property owner by the City Council to conduct a use allowed as a permitted use in a zoning district subject to a use permit. A use permit may be granted at the discretion of the City Council after a public hearing.

Variance shall mean a modification of the literal provisions of the zoning ordinance granted by the Board of Adjustment upon a finding that strict enforcement of the ordinance would cause undue hardship owing to circumstances unique to the individual property for which the variance is granted and not caused by the applicant for said variance.

Viewpoints are positions at "minor collector street" and higher classification street intersections within the Environmentally Sensitive Lands (ESL) area as identified in the city's Streets Master Plan from which development in the hillside landform can be observed.

Viewsheds are the major segments of the natural terrain which are visible above the natural vegetation from scenic viewpoints which are defined in this ordinance.

Vista corridor is a major open space corridor which follows major watercourses or other features as identified on the General Plan and which protect major wildlife habitat, protect distant views, separate land uses, and provide links for trails and paths. Special design criteria for landscaping, walls and drainage structures may be applied.

Volume shall mean the volume of building which occupies a particular site. Volume of a building shall be determined by multiplying the gross floor area of the individual floors by the height of that story.

Volume ratio shall mean the ratio of building volume to the net lot area of the building site.

Wall shall mean any structure or device required by this ordinance for screening purposes forming a physical barrier, which is so constructed that fifty (50) percent or more of the vertical surface is closed and prevents the passage of light, air and vision through said surface in a horizontal plane. This shall include concrete, concrete block, wood or other materials that are solids and are so assembled as to form a screen. Where a solid wall is specified, one hundred (100) percent of the vertical surface shall be closed, except for approved gates or other access ways. Where a masonry wall is specified, said wall shall be concrete block, brick, stone or other similar material and one hundred (100) percent of the vertical surface shall be closed, except for approved gates or other access ways.

Warehouse shall mean a building or building used for the storage of goods of any type, and where no retail operation is conducted.

Watercourse means a natural or man made lake, river, creek, stream, wash, arroyo, channel, culvert, pipes or any other topographic feature, through, on or over which waters flow at least periodically. "Watercourses" include

specifically designated areas in which substantial flood damage may occur.

Watercourses, major are washes having a 100-year flood flow rate of seven hundred fifty (750) cfs or greater.

Watercourses, minor are washes having a capacity of at least fifty (50) cfs and a 100-year flood flow rate of up to seven hundred fifty (750) cfs.

Wholesale shall mean the sale of tangible personal property for resale by a licensed retailer and not the sale of tangible personal property for consumption by the purchaser.

Wildland/urban interface is an area where development and native desert wildland areas meet at a well-defined boundary.

Wildland/urban intermix is an area where development and native desert wildland areas meet with no clearly defined boundary.

Wireless communications facility (WCF) means a facility for the transmission and/or reception of radio frequency signals, including over-the-air broadcasting signals, usually consisting of antennas, equipment cabinet, a support structure, and/or other transmission and reception devices. Exemption: ham radio, amateur radio facilities, commercial radio and television broadcasting towers, and point-to-point end-user facilities less than one (1) meter in diameter.

Wireless communications facilities shall be categorized as Type 1, Type 2, Type 3, or Type 4 facilities, subject to Section 7.200 H. (wireless communications facilities).

Yard shall mean an open space at grade level between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or depth of a rear yard, the minimum horizontal distance between the lot line and the main building shall be used.

Yard, front shall mean an open space unoccupied except as otherwise provided herein on the same lot with a main building, extending the full width of the lot and situated between the street line and the front line of the building projected to the side lines of the lot. The front yard of a residential corner lot is the yard adjacent to the shorter street frontage. The front yard of a commercial corner lot is the yard adjacent to the major street as determined by the engineering services director.

Yard, rear shall mean an open space unoccupied except as otherwise provided herein on the same lot with a main building between the rear line of the building and the rear line of the lot extending the full width of the lot. The rear lot line is that lot line opposite the front lot line. Where these are not parallel, the rear lot line shall be that line which is intersected by a line drawn perpendicular through a tangent to the midpoint of the front lot line. If the line drawn through the tangent to the midpoint of the front line strikes a ten-foot long line drawn parallel to the tangent then that line shall be considered the rear lot line for purposes of determining setbacks, and all other lot lines between that and the front line shall be side lot lines. If the lot has frontage on a cul-de-sac, the rear lot line shall be the lot line which most closely approximates the rear lot line of abutting lots.

Yard, side shall mean an open except as otherwise provided herein unoccupied space on the same lot with a main building situated between the building and the side line of the lot and extending from the front yard to the rear yard. Any lot line not a rear line or a front line shall be deemed a side lot line. An interior side yard is defined as the side yard adjacent to a common lot line.

(Ord. No. 1851, § 1, 11-5-85; Ord. No. 1876, § 1, 1-21-86; Ord. No. 1923, § 1, 12-16-86; Ord. No. 1994, §§ 1, 1-19-88; Ord. No. 2266, § 1, 11-21-89; Ord. No. 2311, § 1, 8-21-90; Ord. No. 2305, § 1, 2-19-91; Ord. No. 2420, § 1, 12-17-91; Ord. No. 2430, § 1, 1-21-92; Ord. No. 2431, § 1, 1-21-92; Ord. No. 2526, § 2, 3-16-93; Ord. No. 2509, § 1, 6-1-93; Ord. No. 2636, § 1, 2-15-94; Ord. No. 2620, § 1, 8-2-94; Ord. No. 2830, § 1, 10-17-95; Ord. No. 2831, § 1, 9-19-95; Ord. No. 2858, § 1, 12-5-95; Ord. No. 3048, § 1, 10-7-97; Ord. No. 3034, § 1, 11-4-97; Ord. No. 3225, § 1, 5-4-99; Ord. No. 3242, § 6, 7-13-99; Ord. No. 3274, § 5, 12-7-99; Ord. No. 3493, § 1, 3-4-03; Ord. No. 3394, 6-19-01; Ord. No. 3365, § 1, 12-11-01; Ord. No. 3395, § 1, 12-11-01; Ord. No. 3493, § 1, 3-4-03; Ord. No. 3501, § 1, 4-1-03; Ord. No. 3542, § 1, 12-9-03)